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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

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In re D. E., a Person Coming Under the Juvenile  
Court Law.

C068749

(Super. Ct. No. 68579)

THE PEOPLE,

Plaintiff and Respondent,

v.

D. E.,

Defendant and Appellant.

The juvenile court sustained a petition alleging the minor, D. E., committed five counts of vandalism, four counts of arson, and one count each of arson of an inhabited structure and possessing combustible material with the intent to set fire to a structure. The court adjudged the minor a ward of the court (Welf. & Inst. Code, § 602, subd. (a)) and placed him on probation subject to various conditions, with 90 days' predisposition custody credit.

On appeal, the minor contends he was entitled to an additional 6 days' custody credit; the People agree. We shall modify the probation order and affirm the judgment as modified.

DISCUSSION

Juveniles are entitled to precommitment credit for time spent in custody. (*In re Eric J.* (1979) 25 Cal.3d 522, 535-536; *In re Ricky H.* (1981) 30 Cal.3d 176, 184.) Penal

Code section 2900.5, subdivision (b) provides that presentence credit for adults shall be credited when the time in custody is attributable to the same conduct for which a defendant has been convicted; the same rule applies to juveniles. (See *In re Ricky H.*, at p. 185.) In this case, the sentencing court granted the minor 90 custody days for his most recent detention. The minor asserts, and the People agree, that he actually spent 96 days in custody from (and including) March 14, 2011, through the dispositional hearing on June 17, 2011.

Although counsel for the minor did not raise the issue below, it may be raised for the first time on appeal. (*In re Antwon R.* (2001) 87 Cal.App.4th 348, 350-353 [Pen. Code, § 1237.1, which precludes a criminal defendant from appealing his conviction on the ground custody credits were miscalculated unless he first presents the claim to the trial court, does not apply to juvenile appeals].)

We have examined the record and agree the minor is entitled to six more days of custody credit than awarded by the juvenile court, and the minute order of disposition must be amended accordingly.

#### DISPOSITION

The dispositional order is modified to grant the minor six additional days of custody credit, for a total of 96 days' predisposition custody credit. In all other respects, the order is affirmed. The superior court is directed to amend the dispositional order to reflect the correct number of credit days and to forward a copy to the California Department of Corrections and Rehabilitation, Division of Juvenile Justice.

\_\_\_\_\_**ROBIE**\_\_\_\_\_, Acting P. J.

We concur:

\_\_\_\_\_**BUTZ**\_\_\_\_\_, J.

\_\_\_\_\_**DUARTE**\_\_\_\_\_, J.